



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 28, 2018 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2018/0828.01 - Approve Minutes of the July 24, 2018 Regular Meeting **(ACTION)** 1

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2018/0828.02 - Adopt Resolution No. PC 131-2018 Approving a Conditional Use Permit (CUP) for Peter and Sarah Chapman Subject to Conditions of Approval – File No. 053-023-032 – Case No. CUP 18-01 **(ACTION)** 6

H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
Tuesday, September 25, 2018 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
MINUTES
JULY 24, 2018**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Woodall and Planning Commission Alternate Richter. Absent were Commissioners Kemp, Marks and Strahan.

Others present were Community Development Director Caldwell, Chief of Police Conner and City Clerk Dunham

CONSENT CALENDAR

Motion was made by Woodall/Richter to approve the consent calendar including the minutes of the June 26, 2018 regular meeting. Motion carried 3-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-130-2018 Approving the Conditional Use Permit (CUP) for Strictly Humboldt Brand for Cannabis Related Activities Subject to Conditions of Approval

Community Development Director Caldwell reviewed the staff report recommending approval of an application for a Conditional Use Permit for cannabis related activities at 1053 Northwestern Ave, the former Eel River Sawmill office parcel. The 4+/- acre parcel is developed with an existing 5,000+/- square foot building and 3 greenhouses totaling 4,100 square feet. The applicant is proposing three additional greenhouses however; based on the size of the parcel, the applicant is limited to 5,000 square feet of cultivation. He noted that the applicant is also proposing indoor cultivation, non-volatile manufacturing, processing, and distribution.

Community Development Director Caldwell pointed out that the existing greenhouses are already planted and in violation of the City's Commercial Cannabis Ordinance. He said in discussing with Chief Conner the planting of the greenhouses prior to Planning Commission approval, he felt that since the plants are in their early stages and not likely to be harvested and diverted into the black market, there was no need to require that the plants be destroyed.

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JULY 24, 2018 MINUTES
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Community Development Director Caldwell noted that staff might be coming back to the Commission with a proposed revision to the City's Cannabis regulations with regard to the 5,000 square foot cultivation restriction on parcels less than 5 acres.

Staff continued with review of the recommended Conditions of Approval for the existing cultivation activities including the following:

1. Complete Track and Trace within 2 weeks of the Planning Commission's approval.
2. Apply unique identifiers to each of the plants within 2 weeks of the Planning Commission's approval.
3. Pay the \$2.00 per square foot tax within 2 weeks of the Planning Commission's approval. (\$8,200 based on 4,100 square feet)
4. Pay the Annual Permit fees of \$8,000 (\$4,000 for a medical license and \$4,000 for the adult license). Payment shall be made within 2 weeks of the Planning Commission's approval.
5. Obtain a standard Business License, \$64.00 within 2 weeks of the Planning Commission's approval.
6. Install a water meter and buy into the City system, \$2,500 buy-in and \$200 connection fee or actual cost, whichever is greater within 30 days of the Planning Commission's approval.
7. Fence that portion of the parcel to enclose the greenhouses and existing building with 6-foot black vinyl coated cyclone fencing with a barbed-wire top within 30 days of the Planning Commission's approval.
8. Make application to the State for the cultivation.

Discussion continued regarding the fence requirement. Community Development Director Caldwell noted that there is an existing wood fence along the front of the parcel, which mostly screens the greenhouses and suggested the Commission allow the fence to remain temporarily at the discretion of Chief Conner.

Commissioner Angeloff questioned the reason for not requiring wrought iron fencing as required for the other projects.

Staff explained that wrought iron fencing is only required on those parcels fronting Highway 101 and that this parcel is located approximately 1,000 feet back from Northwestern Avenue.

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Commissioner Richter pointed out that all the other parcels will have black vinyl cyclone fencing and supported fencing being uniform.

Commissioner Woodall agreed with the black vinyl cyclone fencing and commented on the barbed wire requirement noting that she did not remember having that condition with the prior projects.

Commissioner Angeloff posed the idea of spraying the barbed wire black to make it more aesthetically pleasing.

Community Development Director Caldwell said that an easier alternative would be to require a 7-foot fence as opposed to a 6-foot.

The applicants expressed support for the 7-foot fence as opposed to the barbed wire top.

Chief Conner commented that his concern about the fence is how well someone could see through it or over it and said that he would like the greenhouses screened. He suggested the existing wood fence be removed at some point; perhaps in 4 months with a 7-foot cyclone fence installed along the front of the parcel with privacy slats.

Commissioner Woodall asked staff to explain what recourse the City would take in the event the applicant does not comply with the Conditions of Approval within the designated timeframe.

Community Development Director Caldwell noted that the applicant must show a good-faith effort. If for some reason they are unable to meet all of the conditions within the allowed timeframe, staff would need to consult with the Chief of Police and if need be, reconvene in a special meeting of the Commission to discuss the issues.

Commissioner Angeloff invited public comment.

Nathan Titchener (applicant) asked for clarification on the allowable uses at the Humboldt Rio Dell Business Park (Industrial Commercial (IC) zone) and expressed interest in growing vegetables during the off-season.

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Page 4**

Community Development Director Caldwell indicated that the zone allows for general agriculture.

Commissioner Angeloff suggested the applicants contact the Community Resource Center and the Chamber of Commerce regarding possible participation in a Farmers Market.

Motion was made by Woodall/Richter to adopt Resolution No. PC 130-2018 approving the Strictly Humboldt Conditional Use Permit (CUP) subject to the Conditions of Approval under Exhibit A with modification to condition (7) to require a 7-foot black vinyl coated cyclone fence rather than a 6-foot fence with a barbed wire top, to be completed within "60" days of the Planning Commission approval; modification of condition (8) requiring application to the State "within two weeks" for the cultivation; and requiring removal of the existing wood fence within 120 days or when the existing crop is harvested. Motion carried 3-0.

Adopt Resolution No. PC 129-2018 Recommending Approval by the City Council of Text Amendments Amending the Neighborhood Center (NC) and Community Commercial (CC) Zones, Sections 17.20.050 and 17.20.060 of the Rio Dell Municipal Code to Allow Residential Uses on Upper Floors of Mixed-Use Buildings

Community Development Director Caldwell provided a staff report recommending approval of minor text amendments to the City Council. He explained that while in the process of updating the City's Housing Element, staff discovered that the plan contains policies and action plans that require the City to update the Zoning Regulations to allow residential uses on upper floors of mixed-use buildings. He said the Land Use Element actually identifies residential uses on upper floors of mixed-use buildings as permitted uses. The recommended text amendments will make the Zoning Regulations consistent and compatible with the General Plan and satisfy the State.

Commissioner Angeloff invited public comment on the proposed text amendment. No public comment was received.

Motion was made by Richter/Woodall to adopt Resolution No. PC 129-2018 Recommending Approval by the City Council Text Amendments amending the Neighborhood Center (NC) and Community Commercial (CC) Zones, Section

**RIO DELL PLANNING COMMISSION
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17.20.050 and 17.20.060 of the Rio Dell Municipal Code to allow residential uses on upper floors of mixed-use buildings. Motion carried 3-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported that staff received a request from an applicant for a Business License for an Air B&B in the City. Since the current zoning regulations do not allow for Air B&B's or vacation rentals, staff reached out to other local jurisdictions to inquire about their regulations. He said the County only allows them in the Shelter Cove area outside the Coastal zone; the City of Fortuna does not currently allow them but they are on their radar to address; and the City of Eureka allows Vacation Dwelling Units (VDU's) subject to certain Performance Standards. He noted that he informed the applicant that staff was supportive of amending the City's Zoning Regulations to allow vacation rentals in residential zones subject to certain Performance Standards. He also informed the applicant that the next regularly scheduled Planning Commission meeting is not until August 28th and text amendments require three (3) public hearings. Once approved by the City Council, the new regulations do not become effective until 30 days after that. He offered to ask the Commission if they would be willing to schedule a special meeting on August 14th to address the issue although the applicant was not concerned about waiting until the next regular meeting. As such, he said the text amendment would be agenized for the August 28th regular meeting. He noted that staff also anticipates having on the agenda, the Design Review for Humboldt Brand on the building addition.

ADJOURNMENT

The meeting adjourned at 7:08 p.m. to the August 28, 2018 regular meeting.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 27, 2018

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 20, 2018

Subject: Chapman Conditional Use Permit
File No. 053-023-032; Case No. CUP 18-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
 - (b) The proposed use is consistent with the general plan and any applicable specific plan;
 - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
 - (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
 - (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Supplemental findings

- The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

5. Adopt Resolution No. PC 131-2018 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Summary

Peter and Sarah Chapman have made application for a Conditional Use Permit (CUP) for an exception to the size and height limits for detached accessory buildings on parcels less than 20,000 square feet. Detached accessory buildings on parcels less than 20,000 square feet are limited in size to 1,000 square feet and in height to 15 feet. Please see Attachment 1, our handout for detached accessory buildings. The Chapman's are proposing a detached 1,200 square foot metal building that will be approximately 19 feet in height.

17.30.020 Accessory Uses and Buildings

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

- (a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- (b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- (c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- (d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height
- Building area
- Setback from property line
- Screening or landscaping

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Urban Residential (UR). A copy of the Urban Residential Development Standards is included as Attachment 2. The purpose of the Urban Residential zone is to provide neighborhood residential areas with varying densities for single-family dwellings. Residential uses including residential accessory uses are allowed in the zone. As indicated above, a Conditional Use Permit is required because the accessory building exceeds the allowable size and height for parcels less than 20,000 square feet.

Accessory buildings in the City's residential zones are required to be subordinate to the residential use of the property. The parcel is developed with a 1,232 square foot residence and an attached 1,082 square foot garage. The applicant is proposing to locate the building near the rear property line. Based on the proposed location on the parcel, staff believes the proposed building can be found to be subordinate to the residential use of the property.

Building Size and Height: Again, the Chapman's are proposing a detached 1,200 square foot metal building that will be approximately 19 feet in height. Detached accessory buildings on parcels less than 20,000 square feet are limited in size to 1,000 square feet and in height to 15 feet. The applicant is requesting an exception to the allowed size and building height.

Setbacks: The Urban Residential zone requires a twenty (20) foot front yard setback, a ten (10) foot rear yard setback and five (5) foot setbacks along the sides of the parcel. The proposed project complies with the required setbacks. However, staff has historically recommended increased setbacks for buildings that exceed the prescriptive setback requirements. In this case, staff is recommending that the project be conditioned to require a ten (10) foot sideyard setback. **The project has been conditioned accordingly, please see Exhibit A.**

Lot Coverage: The Urban Residential zone allows up to 50% lot coverage. The lot is approximately 17,940 square feet. The allowable lot coverage would be about 8,970 square feet. The project complies with the lot coverage requirements of the zone.

Design Review: Single family residential dwellings and residential accessory buildings are not subject to the City's Design Review Regulations pursuant to Section 17.25.050(2) of the RDMC.

Based on the information submitted and recommended side yard setback of ten (10) feet, staff believes the proposed 1,200 square foot (30' x 40') steel accessory building will be compatible with the character

of the surrounding neighborhood and consistent with the Urban Residential (UR) designation and all other applicable provisions of Zoning Regulations.

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Urban Residential. The proposed residential accessory use is considered a primary use in the Urban Residential designation. There are no other policies in the General Plan that apply to the proposed project

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed design is residential in character and appears compatible with the surrounding residences in the neighborhood. Staff noticed approximately 27 parcels surrounding the project site and has not received any inquiries regarding the proposed accessory building. Based on the information submitted, the apparent lack of concern from neighboring properties, comments received from referral agencies, staff believes the proposed 1steel accessory building will be compatible with the character of the surrounding neighborhood

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

The site is physically suitable for the proposed accessory building. The parcel is not subject to flooding, landslides or earthquake faults

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The new construction is subject to the California Building Code (CBC), which includes standards to ensure that the dwelling is constructed to minimum safety standards. There is no evidence to suggest that the construction will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the proposed project, staff has determined that the project is Categorical Exempt pursuant Class 3, Section 15303 of the

CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15303 applies to the construction or conversion of small structures.

7. Supplemental findings

- The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

There is no evidence to suggest that the proposed 1,200 square foot (30' x 40') steel accessory building will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.

There is no evidence to suggest that the proposed 1,200 square foot (30' x 40') steel accessory building will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

There is no evidence to suggest that the proposed 1,200 square foot (30' x 40') steel accessory building will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare

Attachments:

Attachment 1: Accessory Buildings Handout

Attachment 2: Urban Residential Development Standards.

Attachment 3: Site Plan and Building Elevations.

Attachment 4: Exhibit A, Conditions of Approval.

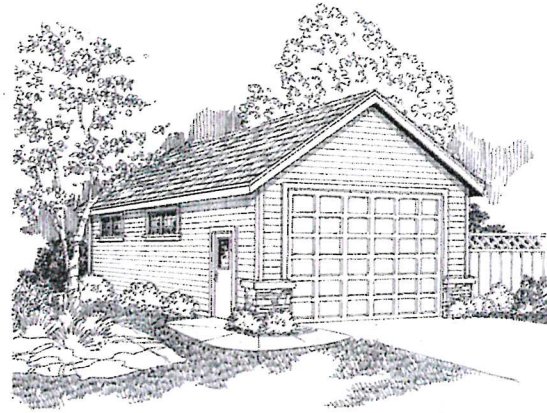
Attachment 5: Resolution No. P C 131-2018.

17.30.020 Accessory Uses and Buildings

(1) A use legally permitted in the zone that is accessory to and subordinate to the principal use of the site and serves a purpose which does not change the character of the principal use.

Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in any urban

residential, suburban residential or suburban zone unless and until the main building is erected and occupied, or until a use permit is secured. [Ord. 252 § 6.02, 2004.]



(2) Detached accessory buildings in suburban residential, urban residential, residential multifamily and suburban zones shall conform to the following development standards. See "Building Height" definition, Section 17.10.010.

(a) Maximum Building Height

- (i) Fifteen feet (15') on lots 20,000 square feet or less.
- (ii) Twenty feet (20') on lots larger than 20,000 square feet.

(b) Maximum Gross Floor Area

- (i) 1,000 square feet on lots 20,000 square feet or less.
- (ii) 1,500 square feet on lots larger than 20,000 square feet.

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

- (a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- (b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- (c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height
- Building area
- Setback from property line
- Screening or landscaping

(3) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Minimum yards: side, five feet, shall have the street side yard of 20 feet; rear, 10 feet.

(4) Detached accessory buildings used as second dwelling units shall not be located within 10 feet of lot lines or within five feet of an alley. The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(5) Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear, or side yard, except street side yard; provided, that no such addition shall reduce the distance between the main building and the front or rear property line to less than 15 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area. [Amended during 2010 codification; Ord. 252 § 6.21.5, 2004. Amended Ord. 347-2016]

**Urban Residential Zone Development Standards
Section 17.20.030 Rio Dell Municipal Code**

17.20.030 Urban Residential or UR zone.

The purpose of the Urban Residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all Urban Residential or UR zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

- (a) Attached dwellings with a minimum lot size of 4,000 square feet;
(b) Rooming and boarding of not more than two persons not employed on the premises;
(c) Public and private non-commercial recreation facilities;
(d) Schools, churches, civic and cultural uses including City offices and day care centers.

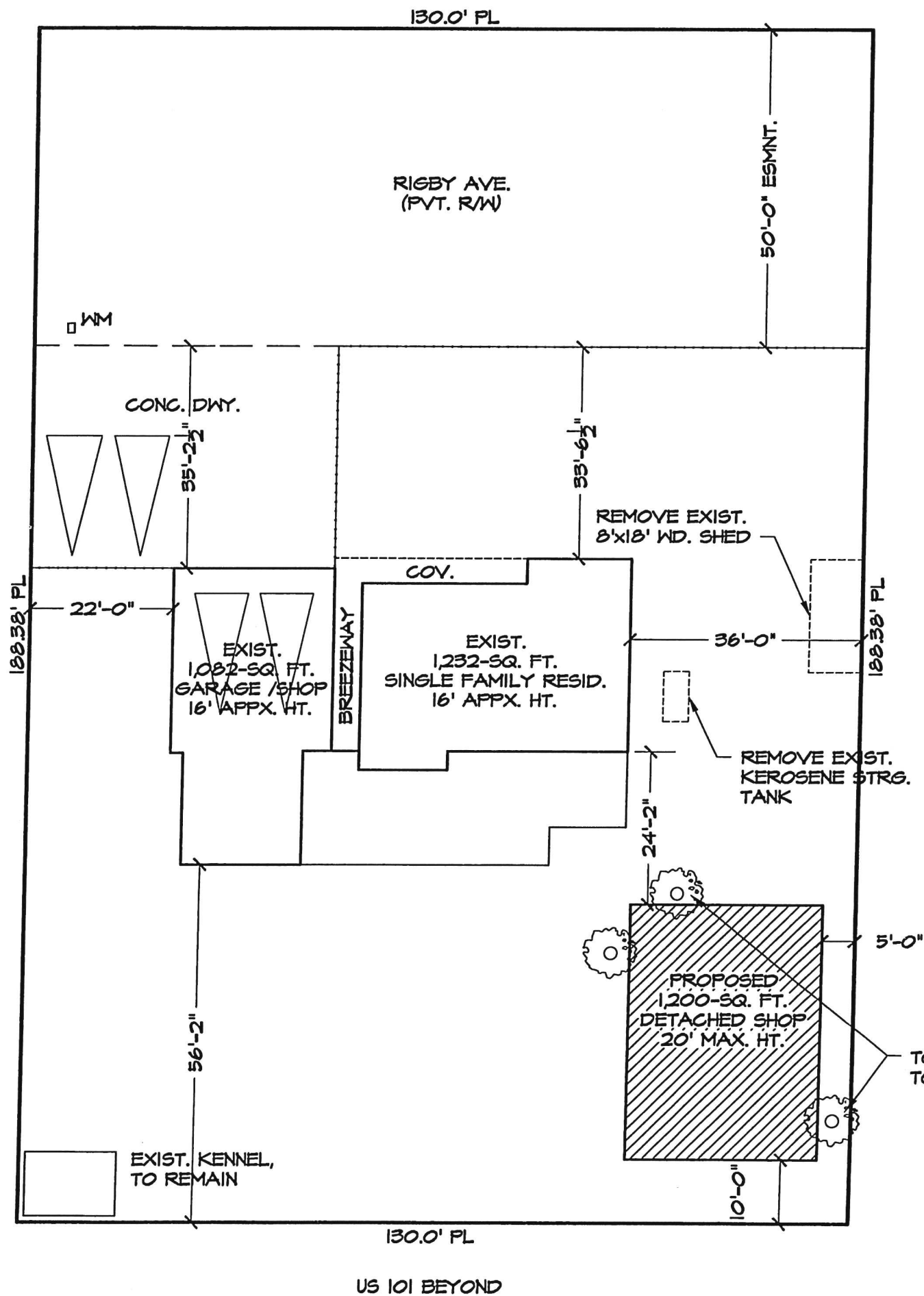
(3) Other Regulations. See Table 17.20.030 for development standards for the Urban Residential (UR) zone.

Table 17.20.030
Development Standards for the Urban
Residential or UR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

[Ord. 252 § 4.03, 2004 & Ord. 280 §17.20.030(2)(a), 2012]

Note: For Corner Lot and Other Yard Setbacks, See Section 17.30.340 RDMC



SITE PLAN NOTES

1. PROJECT SITE LESS THAN 10% SLOPE.
2. NO KNOWN WATER COURSES, PONDS OR WETLAND AREAS.
3. PUBLIC WATER & SEWER.
4. NO PROPOSED GRADING OR FILL IN EXCESS OF 50-CU. YDS.; FOUNDATION PREP. EXEMPT.

SITE PLAN

1"=20'-0"



PROPOSED DETACHED SHOP

SITE PLAN

Atkins Drafting ~ Sarah J. Atkins
2814 G STREET EUREKA, CA 95501
PH. (707) 443-3492 Rnsatkins@sbcglobal.net

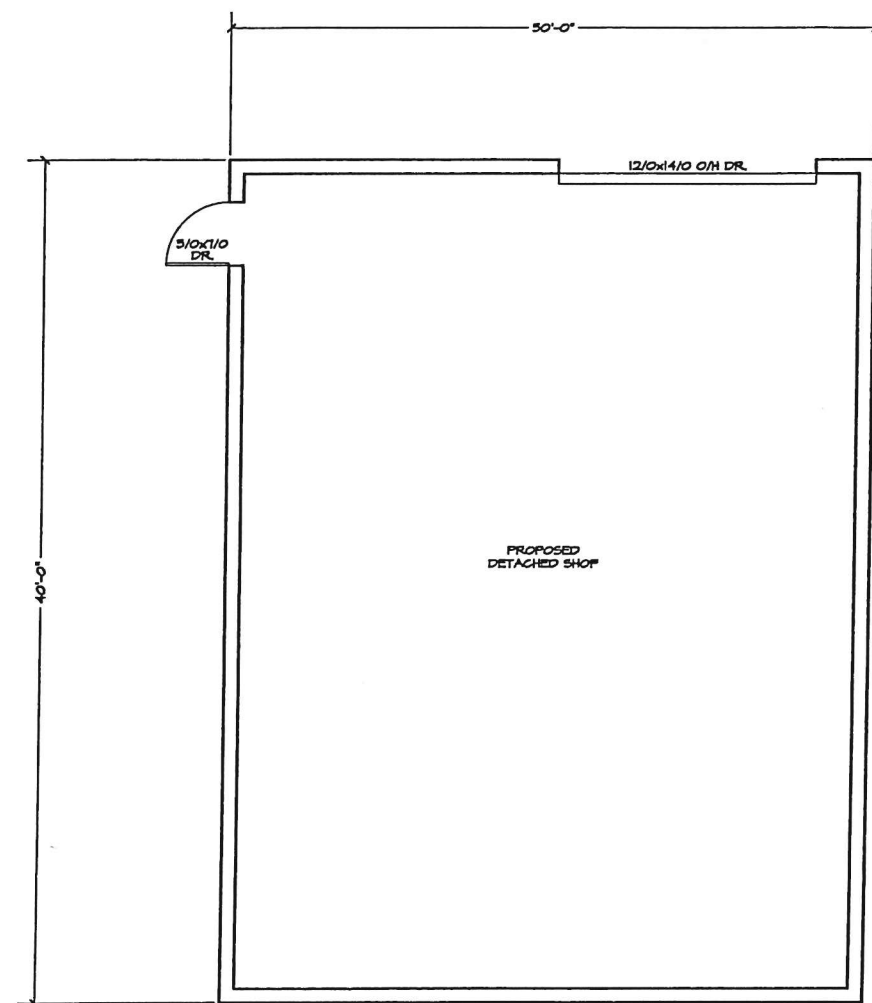
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APN 083-023-032

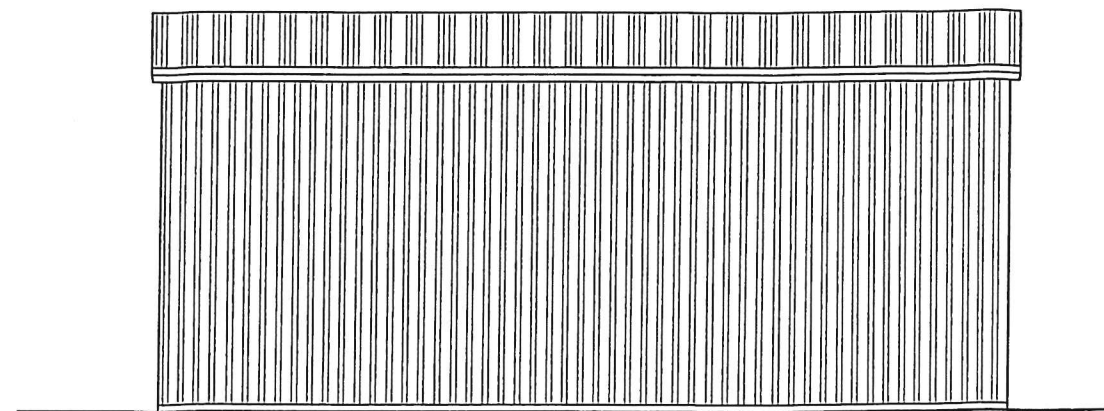
543 RIGBY AVE. ERO DELL, CA

FOR: PETER AND SARAH CHAPMAN

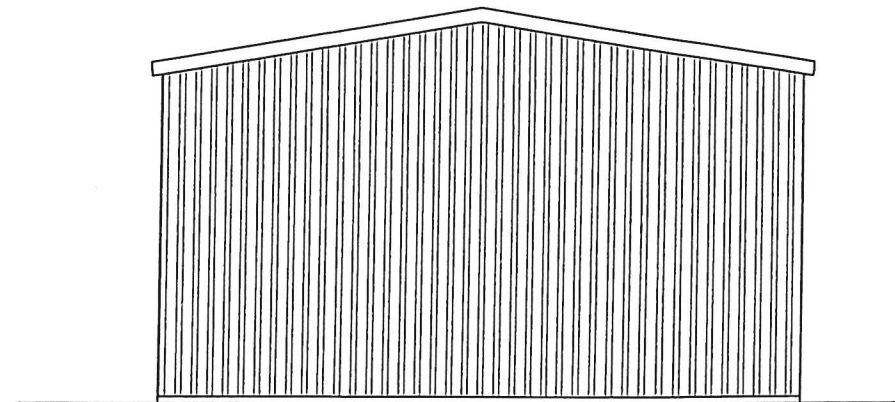
Date JULY 31, '18



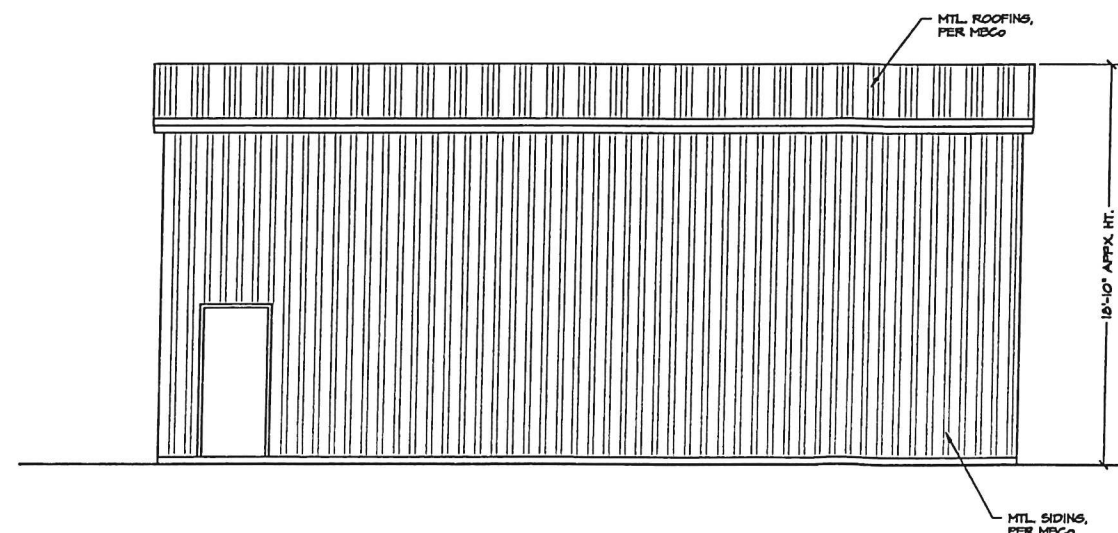
FLOOR PLAN
1/4"=1'-0"



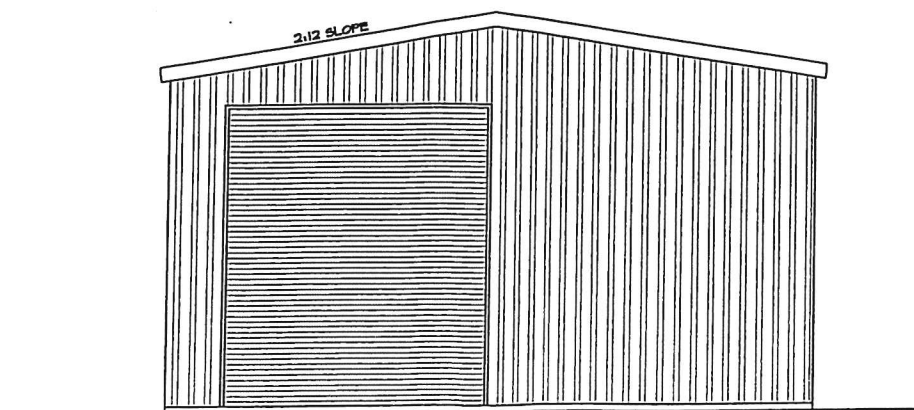
SOUTH ELEVATION
1/4"=1'-0"



WEST ELEVATION
1/4"=1'-0"



NORTH ELEVATION
1/4"=1'-0"



EAST ELEVATION
1/4"=1'-0"

REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins
2814 G STREET EUREKA, CA 95501
PH. (707) 443-3492 Rnsatkins@earthlink.net

SJA

PROPOSED DETACHED SHOP
543 BIGEY AVE. RD DEL. CA
APN 053-023-032
FLOOR PLAN & ELEVATIONS
FOR: PETER AND SARAH CHAPMAN

Date AUG. 08, '18
Scale AS NOTED
Design SJA
Drawn SJA
Job
Sheet

1

EXHIBIT A

Conditions of Approval Chapman Conditional Use Permit File No. 053-023-032; Case No's. CUP 18-01

Conditions of Approval

1. The applicant shall provide a minimum 10 foot setback from the southern side property line.
2. The applicant shall pay the application processing fees within 30 days of billing.

RESOLUTION NO. PC 131-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING CHAPMAN CONDITIONAL USE PERMIT:**

WHEREAS Peter and Sarah Chapman have made application for a Conditional Use Permit (CUP) for an exception to the size and height limits for detached accessory buildings on parcels less than 20,000 square feet; and

WHEREAS detached accessory buildings on parcels less than 20,000 square feet are limited in size to 1,000 square feet and in height to 15 feet

WHEREAS the Chapman's are proposing a detached 1,200 square foot metal building that will be approximately 19 feet in height

WHEREAS the City processed the application pursuant to Section 17.35.030 of the Rio Dell Municipal Code; and

WHEREAS the proposed project have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that based on information provided by the applicant, staff's analysis and public testimony the Planning Commission of the City of Rio Dell finds that:

- The proposed use is allowed within the Urban Residential zone and complies with all other applicable provisions of Rio Dell Municipal Code; and
- The proposed use is consistent with the General Plan and any applicable specific plan; and
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- Based on the proposed project, the project is Categorically Exempt pursuant Class 3, Section 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15303 applies to the construction or conversion of small structures.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on August 28, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 131-2018 adopted by the Planning Commission of the City of Rio Dell on August 28, 2018.

Karen Dunham, City Clerk, City of Rio Dell